

REMARKS

In response to the Office Action dated July 22, 2004, claims 5 and 7-11 have been canceled and claims 1, 12-13 and 15 have been amended. Claims 1-4, 6 and 12-19 are in the case. The Applicants respectfully request reexamination and reconsideration of the present application.

The Office Action objected to the disclosure because of minor informalities.

In response, the Applicants have amended the specification on pages 3, 4 and 6 as suggested by the Examiner to overcome the objections.

The Office Action rejected claims 5 and 9 under 35 U.S.C. § 112, first paragraph and also objected to the specification as failing to provide antecedent basis for the terms "continuously" and "periodically" in claims 5 and 9. In addition, the Office Action rejected claims 5 and 9 under 35 U.S.C. § 112, second paragraph as being indefinite and alleged the "...claims suggest a distinction between "continually" and periodically", where periodically suggests a clock signal and continually suggests some analog mechanism."

In response, the Applicants submit that the use of these terms in the claims are fully supported by the original specification as proscribed by U.S.C. § 112, first paragraph. However, in an effort to expedite the prosecution of this case, the Applicants have canceled claims 5 and 9.

The Office Action rejected claims 1-3 under 35 U.S.C. 102(e) as allegedly being anticipated by Cornelius et al. (U.S. Patent No. 6,687,700).

The Applicants respectfully traverse these rejections based on the amendments to the claims and the arguments below.

The Cornelius reference simply discloses supporting the communication of inter-dependent data messages by determining if a later data message represents an inter-dependent message affiliated with an earlier data message. However, the Cornelius reference does not disclose the Applicants' claimed determining whether newly arrived network packets have a higher priority than a current network packet being processed, suspending processing of the current network packet and beginning processing of the newly arrived network packets in response to one or more newly arrived network packets having a higher priority than the current network packet (support for these

amendments are found on page 10 with reference to FIG. 4 and elements 440, 450 and 460 of the Applicants' original specification). Accordingly, the Cornelius reference cannot anticipate the claims. As such, the Applicants' respectfully submit that this rejection under 35 U.S.C. 102(e) should be withdrawn.

The Office Action rejected claims 4 and 7-8 under 35 U.S.C. §103(a) as being unpatentable over Cornelius in view of "Quality of Service: Priority Traffic" by Higgins. The Office Action rejected claims 5-6 under 35 U.S.C. §103(a) as being unpatentable over Cornelius in view of Ellis et al. (U.S. Patent No. 5,497,371). The Office Action rejected claims 9-10 under 35 U.S.C. §103(a) as being unpatentable over Cornelius in view of Higgins and further in view of Ellis et al. The Office Action rejected claims 11-16 and 18 under 35 U.S.C. §103(a) as being unpatentable over Cornelius in view of Higgins and further in view of Antioffline – Putting the hero in Heroin" by BSD. The Office Action rejected claims 17 and 19 under 35 U.S.C. §103(a) as being unpatentable over Cornelius in view of Higgins and BSD and further in view of Ellis et al.

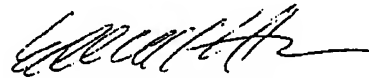
The Applicants respectfully traverse these rejections because at least one of the Applicants' claimed elements are missing from or not taught in the combined cited references. For instance, although Ellis et al. discloses a "disassembly process" that begins when "a low priority packet is temporarily suspended while a high priority packet is emitted", Ellis et al. does not disclose operation within a virtual private network (VPN) and determining whether newly arrived network packets have a higher priority than a current network packet being processed, suspending processing of the current network packet and beginning processing of the newly arrived network packets in response to one or more newly arrived network packets having a higher priority than the current network packet, like the Applicants' claimed invention. Hence, the references cannot render the Applicants' invention obvious (MPEP 2143) and the Applicants submit that the rejection should be withdrawn.

With regard to the dependent claims, since they depend from the above-argued respective independent claims, they are therefore patentable on the same basis. (MPEP § 2143.03).

In view of the arguments and amendments set forth above, the Applicant respectfully submits that the claims of the subject application are in immediate condition

for allowance. Thus, it is respectfully requested that all of the claims be allowed based on the amendments and arguments. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. Additionally, in an effort to further the prosecution of the subject application, the Applicants kindly request the Examiner to telephone the Applicants' attorney at (818) 885-1575.

Respectfully submitted,
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